

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00167

GARY STOVER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 5, 2018, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Gary Stover, appeared in person and by his counsel, Mark McMillian, for a hearing on the petition on supervised release submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a 34-month term of supervised release in this action on October 24, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on October 24, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: the defendant failed to participate in and successfully complete the 9 to 12 month residential substance abuse program at Recovery Point in Parkersburg, West Virginia, inasmuch as he entered the program on December 13, 2017, and voluntarily left the program on December 25, 2017, all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

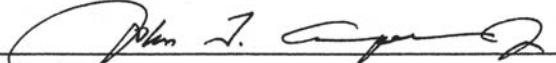
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to

the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he spend a period of eight (8) months at the Lifehouse, located in Huntington, West Virginia, a therapeutic communal living residential program which offers support and services necessary for continual substance abuse recovery, where he shall follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment as directed by the program and the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 8, 2018



John T. Copenhaver, Jr.
United States District Judge